

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TUAN WILLIAMS,

Plaintiff,

vs.

**STATE FARM FIRE AND
CASUALTY CO.,
Defendant.**

CIVIL ACTION NO. 10-CV-11435

DISTRICT JUDGE GERALD E. ROSEN

MAGISTRATE JUDGE MONA K. MAJZOUN

**ORDER FOR CHRIS ROBBINS TO SHOW CAUSE FOR FAILURE TO OBEY
SUBPOENA**

Before the Court is Defendant's Motion To Show Cause Re: Deposition of Chris Robbins filed on November 24, 2010. (Docket no. 25). There was no Response filed within the time for responding. (Docket no. 27). The motion was referred to the undersigned. (Docket no. 26).

On October 28, 2010 Defendant served a subpoena for attendance at a deposition on non-party Chris Robbins at 11709 Forrer Street, Detroit, Michigan 48227 noticing the deposition for appearance without documents on November 16, 2010 at 12:00 p.m. at the law offices of Patrick, Johnson & Mott, P.C., 27777 Franklin Road, Suite 1400, Southfield, Michigan 48034. (Docket no. 25-2).

Mr. Robbins did not appear on November 16, 2010. Defendant alleges that it was unable to contact Mr. Robbins following the deposition date because Defendant did not have a valid telephone number for Mr. Robbins.

Defendant alleges that Plaintiff's testimony and that of another witness conflict regarding whether or not Mr. Robbins was with Plaintiff on the night of the fire at issue in the action. Mr. Robbins's testimony is relevant. Fed. R. Civ. P. 26(b)(1). The place of deposition is less than

thirteen miles from Mr. Robbins's residence and is within the limits of Fed. R. Civ. P. 45(c)(3)(A)(ii). Mr. Robbins did not move to quash or otherwise modify the subpoena. Defendant therefore asks the Court to order Mr. Robbins to show cause why he should not be held in contempt for failing to obey the subpoena. Fed. R. Civ. P. 45(e). Rule 45(e), Fed. R. Civ. P., provides that the "issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena." Chris Robbins will therefore be ordered to appear and show cause why he should not be held in contempt of court for his failure to appear as directed.

IT IS THEREFORE ORDERED that Chris Robbins appear on **Wednesday, March 30, 2011 at 2:15 p.m.**, in Room 642 of the Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan **and show cause why he should not be held in contempt of court for his failure to appear for deposition** on November 16, 2010.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: March 16, 2011

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order to Show Cause was served upon Chris Robbins at 11709 Forrer Street, Detroit, Michigan 48227 and Counsel of Record on this date.

Dated: March 16, 2011

s/ Lisa C. Bartlett
Case Manager